

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 31 2017 ★

BROOKLYN OFFICE

Damion Smith 17B0076
Full name of plaintiff/prisoner ID#

Plaintiff,

JURY DEMAND

YES ☒ NO ☐

-against-

The people of the state of new york
J. Scott Odarisi Sandra Doorley
Michael P Schiano

Enter full names of defendants

[Make sure those listed above are
identical to those listed in Part III.]

Defendants.

CV 17 - 4532

KUNTZ, J.

I. Previous Lawsuits:

BLOOM, M.J.

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

Defendants:

2. Court (if federal court, name the district;
if state court, name the county)

3. Docket Number: _____

4. Name of the Judge to whom case was assigned: N/A

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: Wyoming state facility

A. Is there a prisoner grievance procedure in this institution? Yes () No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (✓)

C. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

D. If your answer is NO, explain why not N/A

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (✓)

F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Damien Smith

Address Wyoming state facility

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

The people of the state of N.Y.
Monroe County as municipality
and Sandra Doorley

Defendant No. 2

J. Scott Odorisi
County Court House ~~Monroe~~
Monroe County

Defendant No. 3

Sandra Doorley
47 S. Fitzhugh Street, Suite 832
Rochester New York 14614

Defendant No. 4

Michael P. Schiano
1 East Main Street, Suite 315
Rochester New York 14614

Defendant No. 5

Monroe County
Monroe County as municipality

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

Pages ~~attached~~ ~~attached~~ attach

Nature of claim

Notice of claim

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Mental state and lost of time I cant get back

V. Relief:

State what relief you are seeking if you prevail on your complaint.

Your Honor I would like for this court to take a step back and look at the big picture to show cause of this illegal conviction by the people and I am ~~askin~~ asking for the sum of \$150 million from the people of the state of new york and to show cause ^{for} amendment right ~~violation~~ violation; So be that as it may: I am asking this court waving all ~~and~~ file fees under a person status thank you: based on financial hardship.

I declare under penalty of perjury that on _____, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this _____ day of _____, 20____. I declare under penalty of
perjury that the foregoing is true and correct.

Din S
Signature of Plaintiff

wyoming state facility
Name of Prison Facility

wyoming correctional facility
P.O. Box 501

Attica, NY. 14011-0501
Address

17B0076
Prisoner ID#

2015-1129

Damien Smith

17B0076

Against

The People of The State of New York

Your Honor

Please take notice of the following
report on people vs Damien Smith

too show cause of the claim::

makes claim for: false arrest

makes claim: malicious Prosecution

makes claim: Ineffective Assistance

makes claim: defamed my character

makes claim: defamatory statement

makes claim: famation of character

makes claim: crime an corruption

makes claim: conspiracy to conspire

your honor,

the court apointed attorney Michael P.
Shiano represented me for 3 years and
did nothing to help me. He never showed
me any evidence against me. No discovery, till
2 or 3 days before my pled ~~in~~ deal.
Every time I asked for my discovery packet
he told me he already sent it. He provided
me with ineffective assistance of counsel.

Notice of the claim

Motion 210.20(1)(a) Defective grand jury Proceeding, where District Attorney failed to instruct the grand jury on exculpatory defense of justification for defense.

Summary - Grand Jury - 210.30 motion to dismiss or reduce Indictment on ground of insufficiency of grand jury evidence. (Motion to inspect grand jury minutes.) 330.30 motion to set aside verdict, ground for dismissal

(Case on Defense of Justification) People vs Dare 175 A.D.2d 586 572 N.Y.S.2d 251. (1991) year

People vs Cain 236 A.D.2d 788 653 N.Y.S.2d 739 (1997) year

People vs Nunez 120 A.D.3d 714 991 N.Y.S.2d 121 (2014) year

People vs Dare 78 N.Y.S.2d 1127 578 N.Y.S.2d 884 (1991) year
court of appeals

People vs. Feder 178 A.D.2d 936 579 N.Y.S.2d 247 (1991)

All cases are in the fourth Department

Also: Ineffective Assistance of Counsel suppress statement, under influence

ARE the following: CPL 100.15(3), 100.40(1)(c)(4)(D)

I think they go with defective grand jury proceeding Insufficiency.

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Nature of the claim

Your honor, please take notice of the following report ineffective assistance of counsel

See:

People vs Stulz, 2 NY3d 277

People vs Badi, 54 NY2d 137

People vs Medina, 44 NY2d 149

people vs Malcolm, 74 AD3d 1483

people vs Tyler, 130 AD3d 1383

People vs Stevenson, 112 AD3d 989

people vs Linares, 2 NY3d 507

people vs Delgado, 80 NY2d 780

people vs Vega, 73 AD3d 1218

Final nature of the claim

In people vs Burnett 221 A.D. 2d 355,355,633 N.Y.S. 2d 365,366 (2nd Dept 1995) Misrepresentation is grounds for taking a plea back. In people vs Gotte 125 A.D. 2d 331,508 N.Y.S. 2d 607,608 (2nd Dept 1986) A guilty plea that is not voluntary knowing and intelligent may be taken back. I was under extreme emotional distress when I ~~pleaded~~ plead guilty. At the time the thought of trial scared me. But I spoke to the lord and he told me to go to trial. I'm not scared to go to trial any more. Time and place was: Monroe County Court room and also in the media. ~~Monroe~~ Monroe county Prosecutors have damaged Mr. Smith character and name. The things that were said about Mr Smith on the internet were horrible. All because of statements prosecutors made. Defamatory statement that cant be taken back. Mr Smith is seeking \$150 million, Please take further notice the claim is against ~~Monroe County~~ Monroe County as municipality and Sandra Doorley.